

SENATE BILL 1592

By Bailey

AN ACT to amend Tennessee Code Annotated, Title 39  
and Title 40, relative to criminal procedure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) A law enforcement officer, a district attorney general or the district attorney's designee, or the attorney general or the attorney general's designee may require the disclosure of stored wire or electronic communications, as well as transactional records pertaining to the communications, to the extent and under the procedures and conditions provided for by the laws of the United States.

(b) A provider of electronic communication service or remote computing service shall provide the contents of, and transactional records pertaining to, wire and electronic communications in the provider's possession or reasonably accessible to the provider when a requesting law enforcement officer, a district attorney general or the district attorney's designee, or the attorney general or the attorney general's designee complies with the provisions for access to the communications as set forth by the laws of the United States.

(c) Search warrants for production of stored wire or electronic communications and transactional records pertaining to the communications shall have statewide application or application as provided by the laws of the United States when issued by a judge with general criminal jurisdiction over the criminal offense under investigation and to which such records relate. A judge with general criminal jurisdiction over the criminal

offense under investigation may also issue orders for production of stored wire or electronic communications and transactional records pertaining to the communications to the extent and under the procedures and conditions provided for by the laws of the United States.

(d) A subpoena for the production of stored wire or electronic communications and transactional records pertaining to the communications may be issued under the procedures for the issuance of subpoenas and to the extent and under the procedures and conditions provided for by the laws of the United States.

(e) Criminal process that authorizes or commands the seizure or production of papers, documents, records, or other things from a recipient may be served by:

- (1) Delivering a copy to the recipient personally; or
- (2) Sending a copy by:
  - (A) Certified or registered mail, return receipt requested;
  - (B) Express mail; or
  - (C) Facsimile or electronic transmission, if the copy is sent in a manner that provides proof of delivery.

(f) A recipient-provider who seeks to quash or otherwise challenge the criminal process must seek relief from the court of general criminal jurisdiction in the county from which process issued within the time required for production. The court shall hear and decide the issue as soon as practicable.

(g) When criminal process is served under subsection (e) of this section, the recipient-provider shall provide all of the papers, documents, records, or other things described in the criminal process within twenty (20) business days from the date the criminal process is received, unless:

(1) The court, for good cause shown, includes in the process a requirement for production within a period of time that is less than twenty (20) business days;

(2) The court, for good cause shown, extends the time for production to a period of time that is more than twenty (20) business days; or

(3) The applicant consents to a request from the recipient-provider for additional time to comply with the process.

(h) Criminal process issued under this section must contain a notice on the first page of the document that indicates:

(1) That the process was issued under this section;

(2) The date before which the recipient-provider must respond to the process; and

(3) That the deadline for seeking relief is not altered by the applicant's consent to additional time to respond to the process.

(i) As used in this section, "criminal process" means a subpoena, search warrant or other court order, or such other process authorized under the procedures and conditions provided for by the laws of the United States for the disclosure of stored wire or electronic communications and transactional records pertaining to the communications.

(j) A failure to comply with criminal process issued pursuant to this section by a recipient-provider is punishable as contempt.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.